



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

July 24, 2014

By ECF

Honorable Robert P. Patterson
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: *Levin v. Bank of New York, et al.*,
 09 Civ. 5900 (RPP)**

Dear Judge Patterson:

This Office represents nonparty the United States, including specifically two of its agencies, the Department of State and the Department of the Treasury, the latter of which includes the Office of Foreign Assets Control (“OFAC”). I write respectfully to inform the Court and the parties that the Government is actively considering whether to file a Statement of Interest pursuant to 28 U.S.C. § 517 to address issues raised in the Plaintiffs’ Motion for Leave to File a Supplemental Complaint (the “Motion”), and to request that no decision be rendered on the Motion before August 18, 2014, by when we expect to be in a position to make a submission if one is to be made. Under the current scheduling order (Dkt. No. 1001), I understand that defendants’ responses to the motion are due on or before July 31, 2014. I also understand that the Court recently scheduled oral argument for August 21, 2014.

As the Court may be aware, the process for deciding whether to file a Statement of Interest involves coordination among multiple government agencies and the approval of the U.S. Department of Justice through the Assistant Attorney General for the Civil Division. Regrettably, despite our best efforts, there is a substantial chance that this process will not be complete by July 31, the current deadline for defendants’ opposition to the Motion. Accordingly, on or before August 18, 2014, the United States will either advise the Court that it will not participate in this litigation, or will file a substantive memorandum pursuant to 28 U.S.C. § 517, setting forth its interest with respect to this matter. In an abundance of caution notwithstanding what we understand to be the recent scheduling of oral argument for August 21, the United States respectfully requests that the Court not decide the Motion until after August 18.

Thank you for your consideration of this request.

Respectfully,

PREET BHARARA
United States Attorney

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cc: All counsel via ECF notification